

## **REMARKS**

Claims 21, 24-27, 30, 32, 33, 39, 40, and 43-46 are pending in the application. Claims 21, 24-27, 30, 32, 33, 39, 40, and 43-46 are canceled without prejudice. Claims 47-56 are newly submitted. No new matter has been added as the newly submitted claims have support in the specification as originally filed. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claim 40 is objected to because of informalities. Claim 40 has been canceled without prejudice, thus rendering the objection to claim 40 moot.

Claims 21, 24-27, 30, 32, 33, 39, 40, and 43-46 are rejected under 35 U.S.C 112. Claims 21, 24-27, 30, 32, 33, 39, 40, 45 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Runkis (US 2003/0046338) in view of Delpuch et al. (US 2004/0139480). Claims 43 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Runkis and Delpuch and further in view of Weast (2004/0243694). Claims 21, 24-27, 30, 32, 33, 39, 40, and 43-46 have been canceled without prejudice, thus rendering the rejections moot.

Although not formally rejected, Applicant provides the following remarks with respect to newly submitted claims 47-56.

Page 14 of the Final Office Action states that the “Examiner recommends considering inclusion of the detailed embodiment and function of the ‘push model’, ‘pull model’, and ‘coping renderer’ concepts, in independent form.”

Applicant submits that independent claim 47 discloses “matching a protocol and a data format between the server and the playing device, the server and the playing device configured in pull mode.” Applicant has reviewed Runkis, Delpuch, and Weast, and has found no discussion regarding “matching a protocol and a data format between the server and the playing device, the server and the playing device configured in pull mode.” Accordingly, Applicant submits that since Runkis, Delpuch, and Weast are silent on “matching a protocol and a data format between the server and the playing device, the server and the playing device configured in pull mode,” then the cited references cannot teach or suggest “matching a protocol and a data format between

the server and the playing device, the server and the playing device configured in pull mode,” as recited in independent claim 47.

Applicant has demonstrated that Runkis, Delpuch, and Weast fail to teach or suggest various elements recited in independent claim 47, and therefore, independent claim 47 should be allowable over the cited combination of references. Additionally, independent claim 52 recites elements similar to independent claim 47 and should be allowable for reasons similar to those presented with respect to independent claim 47. Finally, claims 48-51 and 53-56 should be allowable at least by virtue of their respective dependence on allowable claims 47 and 52.

### **CONCLUSION**

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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